

January 18, 2001

Joint Statement

The Governments of France ("France") and the United States of America ("United States"),

French and other banks and,

The undersigned attorneys,

Declare as follows:

1. All participants welcome and support the establishment of the Commission for the Compensation of the Victims of Spoliation Resulting from Anti-Semitic Legislation in Force During the Occupation (the "Commission"), which makes payments to victims of spoliation under the occupying German and Vichy authorities during World War II, and the Foundation for the Memory of the Shoah (the "Foundation").
2. All participants declare their approval of the attached Settlement Principles (Annex A). The interests of Holocaust victims whose assets were spoliated by "Banks" (as defined in Annex B), and the heirs of those victims who have not survived, have been duly taken into account.
3. The participating Governments and other participants will proceed as follows:
 - a) The Banks will contribute \$ 22.5 million to the "Fund."

- b) France and the United States will sign an Executive Agreement. Such Agreement contains the obligation undertaken by the United States to assist in achieving all-embracing and enduring legal peace for the Banks for all claims that have been or may be asserted against such banks arising out of World War II.

- c) The \$ 22.5 million contribution of the Banks shall be due and payable to the Fund once all cases pending as of January 18, 2001, against Banks arising out of World War II have been dismissed with prejudice. The contribution will be deposited into interest bearing account(s) in France no later than February 17, 2001. All interest earned in such account(s) will accrue to the Fund.

- d) The undersigned counsel for plaintiffs will file motions or stipulations to dismiss with prejudice all pending claims they have filed in courts in the United States against the Banks arising out of World War II.

- e) France and the United States will bring into force the Executive Agreement and the United States will thereupon file the Statement of Interest as provided therein.

Government of France,

Government of the United States of America,

The Banks,

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Annex A**I. The Commission for the Compensation of Victims of Spoliation Resulting from Anti-Semitic Legislation in Force During the Occupation**

The Commission for the Compensation of Victims of Spoliation Resulting from Anti-Semitic Legislation in Force During the Occupation ("the Commission") will continue to investigate and consider all claims by any person for compensation from any bank or financial institution doing business in France during World War II ("the Banks") to decide if the claims are valid, and, if an account can be verified, to determine the amount designed to compensate fully the claimants for material damages for which complete restitution or compensation had not been previously received.

- A. The Commission will undertake a program consistent with the principles in Exhibit 1 to publicize world-wide its existence and availability and to make its forms and application procedures easily available to claimants at no cost to them.
- B. The Commission will investigate and consider claims on relaxed standards of proof. A claimant's application or a simple inquiry by the claimant as to the existence of a bank asset is sufficient to trigger an investigation. The claimant will be permitted to have a designated representative present with the claimant, or in the place of the claimant if the claimant is unable to appear, at all stages of the proceedings.
- C. Following such an investigation and after communication with the claimant or their representative, including an opportunity for the claimant or representative to be heard, if an account can be verified by any means, including because the claim matches a name or account on a list or other document available to the Commission, the Commission makes a recommendation on an award. together with the reason(s) for that recommendation. The Commission will not offset or reduce awards except if a particular account or property was previously the

subject of compensation. Should the case arise, any offset would be limited to the amount of prior compensation. There will be no offset for compensation previously received for moral or non-material damage.

- D. The Banks commit to make prompt and full payment of all the awards recommended by the Commission addressed to them ("the Awards"). The commitment of the Banks to pay all Awards shall be memorialized in writing.
- E. An interest-bearing escrow account in the amount of \$50 million shall be established by the Banks in the Caisse des Dépôts et Consignations in Paris to assure prompt payment of all Awards. To ensure full and prompt payment of all Awards addressed to them, at all times, the Banks shall replenish the account as necessary to ensure that the amount in the account does not drop below \$25 million, regardless of payment of Awards. Any excess in the account, including interest, after all Awards are made shall revert to the Banks.
- F. Without prejudice to any other consideration it may deem appropriate, the Commission will recognize as sufficient evidence to make an Award any of the following four categories: proof, presumption, indication, and intimate personal conviction.
 - 1. If the Commission is unable to substantiate the existence of bank assets, but is presented with credible evidence that suggests there may have been such assets and there is no evidence of restitution it will refer the claim to the organization chosen to administer the "Fund" described in paragraph 2 below for payment. One example of credible evidence shall be an affidavit stating credible facts containing the elements set forth in Exhibit 2, unless the Commission determines that there is clear and convincing evidence of manifest bad faith, for example, that the claimant did not reside in France during the appropriate period or that the account had previously been restituted.

2. There shall be a fund of \$ 22.5 million contributed by the Banks and administered in an interest-bearing account in the Caisse des Dépôts et Consignations in Paris by the Fonds Social Juif Unifié, and supervised by a Board of five members, two to be appointed by France, two to be appointed by the United States, and one to be appointed by plaintiffs' attorneys. (the "Fund"). Reasonable administrative costs of the Fund shall be paid out of interest accruing on the Fund.. The Fund shall make, within thirty days of a referral, per capita payments of \$1,500 to all persons referred to it by the Commission by July 18, 2002. Once all banking-related claims filed with the Commission by that date have been processed, if there are any remaining moneys in the Fund, additional payments will be made to the recipients of the first payment pro-rata up to an additional amount of \$1,500. The Fund shall make supplemental payments up to the per capita amount to persons as to whom no specific account balance has been determined by the Commission who receive Awards below the per capita amount from the Commission. Excess funds, including interest, remaining after the payment of additional payments referred to above shall be paid to the Foundation for the Memory of the Shoah.
- G. Access to lists of holders of blocked accounts shall be open to organizations representing victims according to the terms of Decree No. 2000-1023 of October 19, 2000. A budget of \$500,000, payable out of interest accruing on the Fund, shall be approved for one such organization designated by plaintiffs' attorneys.
- H. The Commission will set up offices or contact centers with the support of French embassies and consulates. To this end, it will cooperate with appropriate international Jewish organizations, including in the United States, Israel and other countries where significant numbers of claimants live. Representatives of the Commission will visit such offices or contact centers on a regular basis as necessary to meet with claimants.

- I. The Commission will give priority treatment, and particular consideration, to claims of survivors and those claimants who indicate personal hardship.
- J. The Commission will issue public reports after two months and each six months thereafter that detail its activity (number of cases, results of cases, amounts awarded, etc.) as well as the criteria established through Commission decisions and the procedures for processing claims. The Commission will also issue a confidential report, setting forth on a case-by-case basis the the results of each case, the bases for decisions if denied, and the amounts awarded. This report will be transmitted to the United States Government.
- K. Any claimant whose claim is decided by a panel of Commission members is entitled to appeal to the full Commission on the basis of new facts, new evidence, or material error. Any claimant whose claim is decided in the first instance by the full Commission is entitled, on the same bases, to seek reconsideration of that decision.
- L. The Commission will, on a regular basis, welcome representatives of Holocaust victims and representatives of the Government of the United States for exchanges of relevant information.
- M. The French Government will ensure that the Commission operates with the maximum transparency and oversight allowed under French law. In accordance with French law, the Commission's activities are subject to audit by the Cour des Comptes.

II. The Foundation for the Memory of the Shoah

The Foundation for the Memory of the Shoah ("the Foundation") serves as a mechanism ensuring full disgorgement of any remaining assets as well as recognition and moral reparation for those who did not survive.

- A. The Foundation's annual giving will contribute in a significant amount to organizations with humanitarian/social purposes in France and outside France.

- B. The Foundation's by-laws provide that the board of the Foundation will include representatives of the French Jewish Community and other French and non-French eminent persons.

Exhibit 1

Notice Principles

1. Mail to a worldwide list of Jewish organizations, for distribution to their members, a package, explaining the benefits available to claimants and the claims procedure.
2. World-wide publication, including advertisements in main Jewish publications and major national publications according to a list communicated to the Commission by plaintiffs' attorneys.
3. Internet publication
4. Toll free telephone number
5. Translation of notice (published and mailed) into French, English, German, Hebrew, Yiddish, Spanish, Polish, Italian, Russian, and other languages as appropriate.
6. Budget and process for responding to inquiries from claimants. Claims forms and procedures will be mailed upon request.
7. The Wiesenthal Center should be listed as a source of information and assistance to claimants, in the advertisements.

EXHIBIT 2

AFFIDAVIT

1. My name is _____. My father's name was/is_____. My mother's name was/is_____.
2. During the Second World War, my family lived at _____ from _____ until _____.
3. I believe that my family had one or more bank accounts in a bank located in France during the Second World War.
4. I believe that restitution has never been made for one or more bank account(s) (or other bank-related assets, such as the contents of safe deposit boxes) to myself or other members of my family.
5. I am enclosing all copies of all documents, if any, relating to my residency in France during the Second World War, and/or the existence of bank-related assets.
6. The information I believe supports my statements above, to the extent available, includes the following:
_____.

I confirm that to the best of my knowledge and belief, the above is true and correct.

Dated: _____

ANNEX B: DEFINITION OF "THE BANKS"

"The Banks," as used in this Agreement and all annexes, are defined to include all of the following:

- (1) The defendants in the actions Benisti, et al. v. Banque Paribas, et al., No. 98 Civ. 7851 (E.D.N.Y.); Bodner, et al. v. Banque Paribas, et al., No. 97 Civ. 7433 (E.D.N.Y.); and Mayer v. Banque Paribas, et al., Civ. Action No. 302226 (Cal. Superior Court), other than Barclays Bank and JP Morgan.
- (2) Enterprises, whether situated within or outside of France, which are members of the Association Française des Établissements de Crédit et des Entreprises d'Investissement, and other financial institutions that receive deposits, other than Barclays Bank and JP Morgan.
- (3) The prior settlements with Barclays Bank and JP Morgan are specifically exempted from the scope of this agreement, and the Banks represent that they will not oppose court approval of those two other settlements based upon the existence of or any provisions in this agreement.

With respect to banks of French nationality, this definition applies to all World War II activities of such banks. With respect to banks of non-French nationality, this definition applies to World War II activities in or relating to France.

It is the intention of the parties that insurance companies are not included within the definition of the Banks.